

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

02 JUN -3 AM 10:06

JAMES E. FREDERICK,) U.S. DISTRICT COURT
Plaintiff,) N.D. OF ALABAMA
v.)
WARDEN JOHN NAGLE,) CV 01-N-1822-W
Defendant.)

ENTERED
JUN 3 2002

MEMORANDUM OF OPINION

The magistrate judge filed a second report and recommendation on May 7, 2002, recommending that defendant Nagle's motion for summary judgment be granted. Specifically, the magistrate judge recommended that plaintiff's failure to protect claim against defendant Nagle be dismissed with prejudice. No objections have been filed by either party.

Having carefully reviewed and considered *de novo* all the materials in the file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact with regard to plaintiff's failure to protect claims against defendant Nagle and defendant Nagle is entitled to judgment as a matter of law. Accordingly, defendant Nagle's motion for summary judgment is due to be GRANTED and the claim is due to be DISMISSED WITH PREJUDICE.

An appropriate order will be entered.

DONE this the 3rd day of June, 2002.


EDWIN L. NELSON
UNITED STATES DISTRICT JUDGE

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